

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ARCH INSURANCE COMPANY,

Plaintiff,

V.

RITA CANDELARIO,

Defendant.

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CIVIL ACTION NO. SA-24-CA-00152-FB

**ORDER ACCEPTING REPORT AND RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE and DENYING MOTION FOR LEAVE TO AMEND**

Before the Court are the Report and Recommendation of United States Magistrate Judge (docket no. 28) concerning Defendant Rita Candelario's Motion to Dismiss (docket no. 6), along with Plaintiff's objections thereto and motion for leave to file a second amended complaint (docket no. 31) and Defendant's response (docket no. 32) in opposition thereto.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

On the other hand, any Report and Recommendation to which objection is made requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review

when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).


The Court has thoroughly analyzed the parties' submissions in light of the entire record. As required by Title 28 U.S.C. § 636(b)(1)(c), the Court has conducted an independent review of the entire record in this cause and has conducted a de novo review with respect to those matters raised by the Plaintiff. After due consideration, the Court concludes the objections lack merit and leave to amend should be denied.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge (docket no. 28) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendant's Motion to Dismiss (docket no. 6) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File Second Amended Petition (contained within docket no. 31) is DENIED.

It is so ORDERED.

SIGNED this 13th day of January, 2025.



FRED BIERY
UNITED STATES DISTRICT JUDGE